

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 17-0079-MWF-AS	Date	September 8, 2017
Title	Shane Matthew Mulvihill v. Dean Borders		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

Proceedings (In Chambers):

**SECOND ORDER TO SHOW CAUSE RE
LACK OF PROSECUTION**

On May 25, 2017, this Court issued an Order to Show Cause re Lack of Prosecution directing Plaintiff to show cause, “in writing, no later than **June 26, 2017**, why this action should not be dismissed with prejudice for failure to prosecute” (Docket Entry No. 8). Plaintiff was ordered to file a First Amended Complaint or “a declaration under penalty of perjury stating why Plaintiff is unable to File a First Amended Complaint.” Id.

To date, Plaintiff has failed to file a First Amended Complaint, or respond to the Court’s Order to Show Cause. The Court will provide Plaintiff additional time - to **October 10, 2017** - to file a First Amended Complaint or a declaration stating why he is unable to do so.

The Clerk is directed to attach a copy of the Court’s Order dismissing the complaint with leave to amend (Docket Entry No. 7), and the Court’s May 25, 2017 Order To Show Cause to this Order.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form is attached for Plaintiff’s convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

cc: Michael W. Fitzgerald
United States District Judge

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